

Joshua Stein Quoted in "How a Fla. Ruling Ignited a Surge in Online ADA Suits"

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Joshua A. Stein, Member of the Firm in the Employment, Labor & Workforce Management practice, in the firm's New York office, was quoted in *Law360*, in "How a Fla. Ruling Ignited a Surge in Online ADA Suits," by Nathan Hale. *(Read the full version - subscription required.)*

Following is an excerpt:

In the year since a Florida federal judge became the first to find that a company's website violated a visually impaired customer's rights under the Americans with Disabilities Act, the ruling has been both an inspiration and "bully stick," spurring a surge in litigation that attorneys say could wind up in the U.S. Supreme Court.

U.S. District Judge Robert N. Scola Jr.'s decision in June 2017 against Winn-Dixie Stores Inc. and in favor of blind advocate and Paralympian Juan Carlos Gil did not answer all of the pressing issues and lacks binding authority on other courts, but it has had a significant influence on the landscape of cases claiming ADA violations online.

"It effectively poured gasoline on a fire that was already beginning to burn fairly intensely to motivate plaintiffs across the United States to pursue these claims, even more so than they had already begun doing it," said Joshua A. Stein, co-chair of the ADA and Public Accommodations Group at Epstein Becker Green. ...

The impact of the Winn-Dixie decision was amplified when in the next couple of months two different federal judges in New York

People



Joshua A. Stein
Member of the Firm
ADA and Public
Accommodations
New York
212-351-4660
jstein@ebglaw.com

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Employment Litigation

denied motions to dismiss from burger chain Five Guys LLC and the retailer Blick Art Materials LLC, and in their respective orders joined Judge Scola in ruling that websites are subject to the ADA and that courts do not need to wait for agency regulations to make a determination on compliance.

“Once those three things happened in succession, just open up the floodgates,” Stein said. ...

While web accessibility litigation winds its way toward a possible date before the U.S. Supreme Court, the Justice Department could provide needed clarity and relief much more quickly through regulation, defense attorneys said. They offered strong critiques of the Trump administration’s decision to halt rulemaking, saying it has created a “worst-case scenario” (Stein) ...